

RCE/JRW



CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

*Feb. 21, 2006*  
Date

*Paula S. Linchart*  
Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

**James C. Liao**

§

§ Group Art Unit: **1652**

§

§

Serial No.: **10/289,788**

§

§ Examiner: **D. Ramirez**

§

§

Filed: **November 7, 2002**

§

§ Atty. Dkt. No.: **12740.0278.DVUS04**

§

For: **Microorganism and Methods for  
Overproduction of DAHP by Cloned Pps  
Gene**

§

§ Confirmation No: **9511**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO ADVISORY ACTION DATED JANUARY 31, 2006**

Sir:

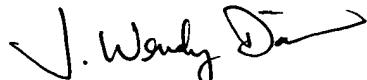
In response to the Advisory Action dated January 31, 2006, Applicant herewith files a Request for Continued Examination (RCE). An original copy as well as a duplicate copy of the RCE transmittal form (PTO/SB/30) is submitted herewith.

In the Advisory Action, the Examiner has indicated that the period for reply expires 3 months from the mailing date of the final rejection by checking box (a) under box 1. Applicant respectfully submits that box (b) should have been checked, because Applicant's first reply was

filed on December 20, 2005, which is within two months of the final rejection dated October 20, 2005, and the Advisory Action was not mailed until after the end of the three-month shortened statutory period. In this event, the shortened statutory period expires on the date the Advisory Action is mailed and any extension fee will be calculated from the mailing date of the Advisory Action. *See* MPEP 706.07(f). Accordingly, the one-month extension period for the instant case ends on February 28, 2006, which is one month from the mailing date of the Advisory Action (i.e. January 31, 2006). A separate petition for one-month extension of time is filed herewith.

This paper is being filed timely and no fee is believed to be due. However, should any fees be required for any reason in connection with this paper, the Commissioner is authorized to deduct said fees from Howrey Deposit Account No. 01-2508/12740.0278.DVUS04.

Respectfully submitted,



J. Wendy Davis, Ph.D.  
Reg. No. 46,393  
Patent Agent for Assignee  
The Texas A & M University System

Customer No. 23369  
HOWREY LLP  
2941 Fairview Park Drive, Box 7  
Falls Church, VA 22042  
713.787.1512 (direct)  
703.336.6950 (fax)

Date: February 21, 2006